

## **REMARKS**

Claims 1, 2, 5, 9-15, 18, 20, 21, and 23-27 were presented for examination and were pending in this application. In the latest Office Action, claims 1, 2, 5, 9-15, 18, 20, 21, and 23-27 were rejected. With this amendment, claims 2, 9, 10, 21, and 26 are amended, and new claims 28-56 are presented. On the basis of the following remarks, consideration of this application and allowance of all pending claims are requested.

### **I. Claimed Subject Matter**

As embodied in at least some of the claims, the claimed subject matter is directed to the delivery of media data using one or more meta data servers, where a client obtains meta data from a meta data server and then uses that meta data to obtain media data from a media data server. The meta data server is managed by a media service provider, and the media data server is separate from the meta data server and controlled by a media data owner different from the media service provider. This distributed media network configuration allows a media service provider to operate and maintain the media service (e.g., the client device, the meta data server, and the meta data databases). In this way, the media service provider can control client access to the media by managing the meta data servers. At the same time, the owners of the media data retain control over their media data files by storing those files on media data servers that they control, not the media service provider. The media data owners thus benefit from the speed and ease in which they can add and remove their files on the system, while the media service provider can manage access to those files by a client. (Specification, p. 5, lines 22-32.)

Some of the dependent claims further refine this concept. For example, the media data files may be unusable without encryption keys and/or additional portions of media data. In such

a case, the meta data server managed by the media service provider transmits to the clients the required encryption key and/or meta data for accessing the additional portion of the media data. This gives the media service provider additional control over client access to the media data, even though the media service provider does not actually control the media data servers.

## **II. Prior Art Rejections Based on Nelson**

Claims 1 and 25 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,498,897 to Nelson et al. in view of U.S. Patent No. 6,453,355 to Jones et al. Claim 24 was rejected as being unpatentable this combination of Nelson and Jones in further view of U.S. Patent No. 6,385,596 to Wiser et al. Applicants respectfully traverse this rejection on the grounds that the proposed combination of Nelson and Jones does not disclose or suggest each of the claimed limitations, and the combination is improper under 35 U.S.C. § 103.

Claim 1 recites, in part, “receiving meta data from the meta data server” and “using the received meta data to locate at least one media data server.” Claim 1 further recites that the “meta data server [is] managed by a media service provider” and that “the media data server [is] separate from the media network and controlled by a media data owner independent of the media service provider.” Accordingly, the subject matter in claim 1 includes a distributed media network system having the benefits outlined in Section 1, above.

Nelson describes a media server system in which a client requests a particular media file from a media server. That media server responds to the request by delivering the requested media file to the client. As Nelson explains (in the portion cited by the examiner):

In general, a user of a client system 16 can send a request to media server 12 across communication network 18. The request can identify a digital media title that the user desires to playback on client system 16. Media server 12 responds by accessing the appropriate media file from digital media data 14, separating the media file into data packets and streaming data packets to client system 16.

(Nelson, col. 3, lines 33-38.) Jones also describes a system for delivering streaming media, where the system delivers meta data as well as media data. As Jones describes (in the portion cited by the examiner):

If it is desired that a media file be downloaded for local viewing, an optimized interleaved file may be built for that purpose, with the streaming meta-data in a separate declaration file referencing the same base media data. The download may not, therefore, include the streaming information, and yet the media data may be present only once at a streaming server.

(Jones, col. 13, lines 39-45.) But neither of these references, alone or in combination, suggest the claimed limitations.

In the Office Action, the examiner asserted that Nelson discloses requesting media data from a meta data server and receiving meta data associated with the requested media data. The examiner then combined this disclosure with Jones, which the examiner asserted discloses using the received meta data to locate a media data server and then access media data therefrom. The problem with the examiner's argument is that it fails to make a connection, as claimed, that the meta data obtained from the meta data database is used to locate a media data server to access the requested media data. In both Nelson and Jones, any meta data that is received by the client is used to *decode* the media data – not to *locate* it. In Nelson, for example, the media server responds to the user's request by providing the requested media. Therefore, there would be no need in Nelson to use meta data to locate a media data server, since the client already has the media. Likewise, in Jones the meta data is header info (see e.g. FIGS. 4 and 5), which can be used for decoding or reconstructing the media data. Neither reference, therefore, discloses using the meta data to locate a media data server and access media data therefrom.

Moreover, neither reference discloses or suggests the distributed network, where a meta data server is managed by a media service provider and a media data server is separate from the

meta data server and controlled by a media data owner different from the media service provider.

In fact, the portions of the references cited do not even mention these entities.

Lastly, there would be no motivation to combine Nelson with another reference in the way the examiner suggested. As explained, Nelson's media server responds to the client's request by delivering the requested media. Because the client already has the media, there would be no motivation to then use meta data to locate a media data server and to access the requested media data therefrom.

Based on the foregoing, claim 1 and its dependent claim 25 are patentable over the examiner's combination of Nelson and Jones.

In rejecting claim 24, the examiner also cited Wiser, but only for its dependent limitations. Therefore, claim 24, which depends from claim 1, is patentable for the reasons outlined above.

### **III. Prior Art Rejections Based on Chen**

Claims 2, 5, 9, 10-15, 23, and 27 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,412,004 to Chen et al. in view of Jones. Claims 18, 21, and 26 were rejected as being unpatentable over the combination of Chen and Jones in further view of Wiser, and claim 20 was rejected as being unpatentable over the combination of Chen and Jones in view of U.S. Patent No. 6,209,787 to Iida. Applicants respectfully traverse this rejection.

Claim 2 recites a meta data server where, "in response to receiving a request for media data the meta data server provides meta data associated with the requested media data." Claim 2 also recites a client that "us[es] the meta data received from the meta data server to locate at least one media data server and access the requested media data." In addition, claim 9 recites

“retrieving meta data associated with the media data request from a meta data database, the meta data for use by the client to access the requested media data from a media data server.” The cited references do not disclose or suggest these limitations.

Chen describes a system in which a metaserver manages the delivery of multimedia data streams to a number of clients. By its own disclosure, Chen is directed to reducing bottlenecks and dealing with network faults, not to protecting media data from unauthorized use. (Chen col. 1, lines 30-37.)

In rejecting claims 2 and 9, the examiner asserted that Chen discloses a media data server separate from the meta data server and controlled by a media data owner different from the media service provider. This is not correct. Chen does not address the issue of which entities control or manage the meta data and the media data servers or networks; therefore, Chen does not suggest the claimed arrangement of a distributed network.

Also in support of the rejection of claims 2 and 9, the examiner asserted that Jones discloses that the client uses the meta data received from the meta data server to locate a media data server and access the requested media data. But as explained in the previous section, Jones’s meta data is not used for this purpose. In Jones, the meta data is header information, used to decode or reconstruct the media data – not to locate the media data.

Based on the foregoing, claims 2 and 9 and their dependent claims 5, 10-15, 23, and 27 are patentable over the examiner’s combination of Chen and Jones.

In rejecting claims 18, 21, and 26, the examiner also cited Wiser, but only for their dependent limitations. Therefore, these claims, which depend from claim 2 or 9, are patentable for the reasons outlined above.

Similarly, in rejecting claim 20, the examiner also cited Iida, but only for its dependent limitations. Therefore, claim 20, which depends from claim 9, is patentable for the reasons outlined above.

**IV. Summary**

Based on the foregoing, the application is in condition for allowance of all claims, and an early Notice of Allowance is respectfully requested. If the examiner believes for any reason direct contact would help advance the prosecution of this case to allowance, the examiner is encouraged to telephone the undersigned at the number given below.

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